
ICANN83 | PF – Joint ALAC and NCSG Meeting
Wednesday, June 11, 2025 – 09:00 to 10:15 CEST

YESIM SAGLAM

Hello, and welcome to the joint ALAC and NCSG meeting. My name is Yesim Saglam, and I'm the Remote Participation Manager for this session. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior and ICANN Community Anti-Harassment Policy.

During this session, questions or comments will only be read aloud if submitted within the Q&A pod. Interpretation for this session will include English, French, and Spanish. If you would like to speak during this session, please raise your hand in Zoom, and when called upon, virtual participants will be given permission to unmute in Zoom. On-site participants will use a physical microphone to speak. Please state your name for the record, the language you will speak if speaking a language other than English, and please speak at a reasonable pace.

Thank you all for joining, and I will now hand the floor over to Jonathan Zuck, ALAC Chair, and Rafik Dammak, NCSG Chair. Thank you.

RAFIK DAMMAK

Thanks, Jonathan. And thanks, ALAC, for having us today. So this is the continuation or follow-up of the meeting we had in Seattle, and we are looking forward to have this on a more regular basis. I

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

think in terms of the agenda, there are several topics we covered last time, but we will want to continue to go further, in some extent, to share our current position, or also to ask what the ALAC is thinking about those issues, and also to share some of what we are doing and to get your input and feedback.

JONATHAN ZUCK

Thanks, Rafik, and welcome, everyone. Thanks for making the trip over here to get together. We always enjoy convening with the NCSG. We have a lot of interests in common, and it's always good to identify those common interests and see ways that we can cooperate to move forward. So we've got a packed agenda. We should probably just dive in. Do you want to start with Manju? Do you want to start? Go ahead. Unless you were-- Okay.

CLAIRE CRAIG

Hello, good morning, everyone. I am Claire Craig, one of the vice chairs of the ALAC. I just did a few slides just so that we can get an understanding of where we are. And so our session today really speaks to reviews, but there are many of us who may not be up to scratch with exactly why we're talking about this and what's happening at this point.

So just by way of a background, specific reviews are an integral part of ICANN's accountability measures that derive from Article 4, Section 4.6 in the ICANN Bylaws. And particularly, there are four specific bylaws. So there are specific bylaws and there are

organizational bylaws. And we're going to be talking today about the specific bylaws, but-- Sorry, reviews. Thank you, Justine. But in particular, we're going to be speaking about one specific review, but I just wanted to go through some of these. So the four specifics are the accountability and transparency, the security, stability, and resilience, competition, consumer trust, and consumer choice, registration, directory, services. And I'm not going to go into all of this because I really want us to have some time for some discussion. Next slide, please.

So why is this an issue at this point in time? So this is the current status of what's happening with the reviews. The fourth accountability and transparency review, which everybody knows as ATRT4, that is deferred at this stage. And this is not the first deferral. It was previously deferred. The third security and stability and resilience review, SSR3, that is also deferred, and that was previously deferred as well. The second competition, consumer trust and consumer choice review, it's not due to begin. The first one is still currently in process. And the third registration directory services review, which is the RDS3, that has been deferred.

Now, what does it mean when we say all of these have been deferred? Since the first slide spoke about the bylaws, it means that we are currently, and when I say we, ICANN is currently in breach of its bylaws. And so that is one of the main reasons that this has come up. Next slide, please.

So in treating with this particular issue, the ATRT4, there was a Board resolution on May 19th, 2025. Excuse me. Can you please? It's distracting. Sorry. Yeah. On May 19th, the Board deferred the ATRT4 for the second time, and it's now 18 months overdue. So the Board directed ICANN Org to initiate work to design a review program that is fit for the intended purpose of enhancing ICANN's accountability, transparency, and effectiveness. The Board identified a community dialogue to develop a shared understanding of the areas and issues for which reviews will enhance ICANN's accountability and effectiveness as the first step. Now, the issue with this is that while this is a Board resolution, it does not treat with the fact that the bylaws are now in breach. And so this is where the conversation begins. Next slide, please.

So this is ALAC's position at this point in time. And let me just preface by saying that the SOs and AC chairs and vice chairs have been meeting with ICANN Org since we arrived here in Prague to resolve this. So a lot of these that came up that we are showing here, this is our position at the starting point. But we are still very much in discussion, and so we will have to come back to the community if any of this changes. So what we are saying is that the ATRT is a fundamental review which aims at mechanisms for public input, accountability, and transparency. So unlike other specific reviews, the ATR is designed to ensure that ICANN remains responsible to its community and operates in its public interest.

The Board's decision to defer ATRT4 violates Bylaw Section 4.6(b) (iv) and the principles of continuous accountability and

transparency of ICANN, directly and adversely impacting the community's ability to hold ICANN accountable. It erodes the trust in ICANN. So ATRT4 is the mechanism for review of reviews. Why do we need another? So that's our question. If this is done, is there really a need, which is what the Board is asking for in their position, to have a review of reviews while we defer the ATRT4?

ALAC is considering filing a request for consideration and or initiating an empowered community request for reconsideration to compel immediately converting of the ATRT4 and recognition of ATRT4's role as the review of reviews. So that's our position. And I just wanted to, so that everyone is on the same page, I will-- can I accept a question? So I see, Sebastian, you have your hand raised.

SÉBASTIEN BACHOLLET

Yes, Claire, thank you very much. I just want to be clear that when you say defer, there are two types of defer. The SSR and the RDS were deferred by ATRT3, or it was a recommendation. ATRT4 is deferred by the Board. It's completely different than the same word with not the same meaning. I want to be very clear on that. Thank you.

CLAIRE CRAIG

Yes, thank you for that clarification, Sebastien. And I now hand over to Manju for the intervention. Thank you.

MANJU CHEN

Thank you. I guess just a minor correction of the slides. So the CCT review is not in progress, in a sense, because the implementation is in progress. The review has been done for a long time, and it will only be initiated once the new gTLD round concludes. But I think NCSG, sorry, I'm just trying to adjust the mic. Okay.

So for NCSG, we were not against the deferral by the Board of the ATRT4, because we are of the rationale that if the implementation of ATRT3 hasn't been finished yet, it is somehow reasonable to defer, to wait until the ATRT3 is finished. And it's not finished yet because, as we all know, the holistic review, which is one of the recommendations, actually one of the main recommendations of ATRT3, hasn't been really conducted yet. We all know the chaos of the pilot holistic review. And that's why we were not as-- we don't have, let's put it this way, we don't have as strong feelings when Board made the resolution of deferring the ATRT4. And we definitely feel the need of a review of review.

But I think, in a sense, we are in agreement that we don't want a new tool or mechanism invented for this so-called review of reviews. We are not sure yet how we can model ATRT4, or shape it in a form, scope it in a form that it's fit for purpose for review of reviews. But that's definitely a possibility that we are willing to explore. So that's, for now, the NCSG position. But we're definitely here to hear more thoughts and to find alignments. Thank you.

CLAIRE CRAIG

Go ahead, Eunice.

EUNICE ALEJANDRA PÉREZ
COELLO

Thank you. This is Eunice speaking. I'm going to speak in Spanish. Thank you very much. My name is Eunice Perez. And one of the questions that I have, Manju, and I hope to be pronouncing your name correctly, has to do with this response that you have already gave us. Have you reviewed the bylaws? And in the bylaws, there is a part stating that there is a specific time to deliver this reply on the ATRT, and the term is one year. So my question is the following. Why isn't there a consent by the NCSG on this regard? Because we're out of time. That's my comment. Thank you.

MANJU CHEN

I'm not sure if I hear the translation right, but why doesn't NCSG has a concern that the review hasn't been done in the time frame that is required? Well, as we suggested, because the implementation of ATRT3 hasn't been finished yet. And we think the problem is actually more of the implementation than the review itself. It's been a problem in ICANN where we are asked to do things more efficiently. We are asking for a lot of efficiency, flexibility, nimbleness, so we can done things quickly more to achieve whatever community wishes. But, for example, a lot of PDPs, people are complaining it's taking too long. But let's say, for example, the first ever EPDP that's on the registration data service, we did it in time. Well, I didn't see that. Those who are before us, they did it in time. But, like, it was finished. PDP itself is finished

within one year. The implementation took four years. So, it adds up for five years. And people are like, oh, it's taking too long. ICANN community is taking too long. But it's not the whole truth and the sole truth.

The fact is the implementation itself is taking too long. And we think it's really we should focus on how do we improve the implementation part, which ICANN community is actually not the carrier or, like, the main conductor of this process. And instead of just hurry into another review where the former implementation has not been done yet, how do we expect resources either both from the staff side, the Org side, and the community side to conduct a fully and functional review when everybody's still hanging on the previous review.

So, I guess that's for now what NCSG thinking. But if we are able to do this review of review in ATRT4 vehicle, maybe that will be a solution. But we haven't really have a form, a solid position on that yet in NCSG. But that's definitely a possibility that we're willing to explore. Thank you.

CLAIRE CRAIG

Thank you, Manju. Cheryl, and then Tomlin.

CHERYL LANGDON-ORR

Thanks very much, Claire. Cheryl Langdon-Orr for the transcript record. I'm very pleased to hear that NCSG is open to consideration of where we are coming from with regards to our belief. And here,

remember, this is not just ALAC, it's At-Largest belief. ALAC took these actions based on input from their rank and file, not from the 15 members. So, the 15 members of the ALAC are doing what their community is demanding of them. So, let's be really clear on where this is all coming from.

However, we have also, since the very first ATRT, been deeply embedded in ATRT processes. We have had up to five members, I would argue some of the most active members of each ATRT appointed from our ranks. So, we have a deep bench of experience on ATRT. We've even had some leadership in these spaces done. We also have particularly good observers. And these are people who know ICANN because they were around before the damn thing started. And they have lived and breathed with NTIA's changes and affirmation of commitments and the evolution of all of this. So, they are particularly sensitive on the whys and the wherefores.

The question of what an ATRT can do is written in the bylaws. And a review of reviews is one of its subsections. It does not say completed reviews. In fact, it was the review of the status of all sorts of reviews, organizational and specific, that a previous ATRT did, showing the ridiculous delay in implementation that got what is now into its fourth year or fourth cycle of the ICANN-wide prioritization framework. Which means we've actually cleared to at least put on runways implementation of all the things that hadn't been started, were overlooked or ignored from all of the reviews. So, that was a huge shopping list. We've got those cleared and either decided that they are no longer relevant and agreed to by a

community transparent process. Or they are relevant and here is their order of priority. That is where the resourcing comes from. That is where the budgeting comes from. And ATRT3 implementation has been for now three years, priority one for resourcing.

So, there should be no need for a magic pill to find the energy, time and the resourcing and staffing to do this. Because it's been on the damned agenda for three years now. So, there is no, in my view and I would like to think perhaps some other people's, good reason why just doing what the bylaws say an ATRT needs to do cannot go ahead. It is not a requirement for it to review completed and implemented reviews. In fact, it's a trigger for getting some of these things done. Or at least it has been in the past.

The other thing that is important to recognize is that at no point did ATRT3 recommend certain things had to be finalized before other things had to start. And that's become rather muddled. Now, I don't know how deliberate some of this obfuscation and right-rank BS that I hear wandering around in the halls and corridors is with things. But there seems to be an awful lot of muddling, smoke and mirrors we can't do this because of that. And I would like to think that the intelligence and capability of your group, of the minds you've got in the NCSG, and I am actually a card-carrying member of that by the way, I just don't muddle, I just watch.

Now, you all have the capabilities to do your own analysis. And if you do nothing else, when you do that, I think you will see a few ah-

ah moments. And if you agree with our ALAC and At-Large view, then I think there would be an opportunity for a very solid front of resistance to this ridiculous situation, an outright failure of leadership, sorry Leon, of the Board.

CLAIRE CRAIG

Thank you Cheryl. Claire Craig for the record. Just in the interest of time, I would close the queue now. So anybody who has not indicated that they would like to speak, we would take it up outside in the hallways. So we now move on to Rafik.

RAFIK DAMMAK

Okay, thanks. This is Rafik Dammak speaking. Let me just to complement what Manju was saying. Really we were focusing on the issue of implementation. It's not just about the reviews, it seems in all, any work stream we have, and that's maybe what we need to focus our effort and maybe question the Board, and ICANN Org about why it takes so much time to implement anything. We hope as volunteers to see things done within our lifetime.

And on the other hand, about the compliance with the bylaws, we can understand the concerns from At-Large. And it's something we discussed and we raised at some points, but it's not something for now we wanted to focus. But again back to the question of implementation is, how we can avoid and prevent this from happening and to not create a more precedent for future that's I think the risk? And that's why we were we are cautious. So we can

understand the At-Large position. But for our side just that's what we have for now yeah.

CLAIRE CRAIG

Thanks Rafiq. Claire Craig for the record. Yeah, but the thing is, at the end of the day, how do we hold ICANN accountable with respect to the bylaws? And that's really an important consideration that should come, in our opinion, before we start talking about implementation. So, Tom Slinn.

TOMSLIN SAMME-NLAR

Thanks, Claire. Tomslin for the record. So, like Rafiq and Manju have said, we've discussed this, and I hear what Cheryl has said about implementation. It's been priority, but it's not been implemented. I think the question of whether NCSG was not concerned, I think we are very concerned, and contrary, we are extremely concerned, So much so that we're unable to separate the issue of implementation from the issue of compliance with the bylaws.

And that's where we're coming from. We're looking for a solution that sort of addresses both issues because we do not think it's viable to continuously review and not implementing recommendations that come out of those reviews. If they take 20 years to implement, and we just keep continuing reviewing the organization, or rather the accountability mechanisms, then we'll probably come to a point where we have to review why we're not

implementing the accountability recommendations themselves. That's where we stand, and that's why we're still discussing how we come to a solution that actually makes sense for all, resolves this issue.

CLAIRE CRAIG

Thanks, Tomslin. Yes, Roberto, and then Jonathan. And that's the last person.

ROBERTO GAETANO

Yeah just a quick overarching comment. I was prompted by Manju's statement that we don't have time. We are so much involved in day-to-day work that we cannot spend time in the reviewing. I think from the experience in the industry, a company that is droning in day-to-day operations and that doesn't have the time to innovate, the destiny is signed. It's going to disappear.

It's true that ICANN is not in a situation where we are in a competitive environment and so on, but we have to be careful. We have to organize our resources in a way that we have the ability to innovate, and in our case that is the in reviewing our processes. Because otherwise we will be stuck with situations. And I am frustrated as much as you are on the fact that we go review after review and so on.

I have been chairing the Board Governance Committee when the reviews processes were started. And I was astonished on how much time it was taking just to do a review and to get the consensus

in an organization. But this I'm serious. I think that this is a question of life and death for our organization. Because if we don't innovate, things happen so fast in the market and that we have to be reactive. We really have to be reactive. Thank you.

CLAIRE CRAIG

Thank you, Roberto. Claire Craig for the record. I now turn over to Jonathan for his comment.

JONATHAN ZUCK

I know we're tight on time. I think what's interesting about this is if we look at those who are looking for a bespoke review of reviews, something that's special and specially designed, is actually a fear of mission creep associated with an ATRT. Because they've got a broader mandate that other things will be snuck in in addition to a review of reviews, like, for example, implementation. So, I mean, it's interesting because it does presuppose that the problem is the reviews. If you're saying that I want to keep my scope just on review of reviews, it does seem to suggest that we think that the problem is reviews rather than implementation.

And so, I think, an attempt to control that conversation. Is one in which implementation may fall out of it, rather than one in which it is a part if we stick to the mandates that we have now. So that's the thing that occurs to me is that the mission creep in this case may be discussion of implementation, which, as I agree, as the chair of

the CCT review 12 years ago, I'm very sympathetic on the notion of the time for implementation. But that's all I wanted to say.

CLAIRE CRAIG

Thank you, Jonathan. I think this was a really very good conversation. We really hope that the NCSG would take into account, a lot of what we have discussed here, and come on Board with us recognizing the importance of these bylaws and how we need to move forward. So thanks again. And I turn it back over to Jonathan. Unless you wanted to close off with something Manju. Thank you.

JONATHAN ZUCK

So next on the agenda is a code of conduct regarding statements of interest. And our speakers are Judith, Eunice, and Manju. I don't know if you have arranged among you who should speak first, but I won't try to presuppose what that is. Eunice, excellent. Thank you. Go ahead.

EUNICE ALEJANDRA PÉREZ
COELLO

Thank you. I'm going to speak in Spanish. This is Eunice for the records. From ALAC, we would like to share with you our evaluation on the community participant code of conduct on SOIs. We have been invited, Judith Hellerstein and myself, to give this presentation. So this is an update, and you can also find this update in the draft update document for the ICANN community participant code of conduct. This is a version of May, 2025, where

it is stated that those persons who haven't filed a statement of interest, are not going to be able to participate in ICANN's processes. And this has a direct impact on the At-Large community.

This document, the At-Large document, and we believe that this is a risk or, there is a risk of inclusion to the members of the At-Large community facing barriers related to language, accessibility, or those members who are not familiar with our processes. So that's why it is important to have reminders to update these statements of interest. These processes or these practices are not standardized and they are not formally required. And this is particularly relevant if we take into account what it is stated in our bylaws, Section 1.2, Article B, stating the obligation of ICANN to support a wide and informed participation, reflecting diversity, geographical diversity, cultural diversity at all levels in the policy development process.

So now I would like to give the floor to my colleague. I don't know if you would like to take the floor and say anything

JUDITH HELLERSTEIN

And what Eunice was talking about is also, if we read the statement, the questions that were posed to us and the examples that were given by ICANN, they're not really clear. This was originally an attempt by the GNSO to get more clarity on the statement of interest, but it seems that instead of giving us more clarity, it's just giving us more vagueness and confusion in that the examples are given of what you would put in an SOI, or why you would do an SOI

are not really as inclusive for the At-Large community and the NCSG, and most of the people who are doing it on a voluntary basis.

And so we think that we need to have more clear examples, because just like when they say, Oh. When they've given an example before about what to include or what you're excluded, or whether you could join, we need a lot more clarity on what they're actually excluding and whether people who are doing this on a volunteer basis have to notate that something on the SOIs.

Also, there isn't any good standardization and training. We have different SOIs for At-Large, for GNSO, for all the different communities have slightly different SOIs. So we are thinking that some standardization of all the SOIs would be helpful, as well as some staff training or some other training modules of how to create an SOI, what to include. Because even in the At-Large ones, they're very different, because people interpret the questions in a different way. And so they put examples that may belong in a different section, because that's the way they interpret it.

And also, I think that we need to, just like they do at some of the GNSO or other meetings, where the first item on the agenda is, do you have an update to your SOI? Please tell us now. That's often not done on many different levels. And so we're looking, maybe can we standardize some processes so that it's all made clear and it gets drawn home. So we are looking for any people's questions or comments on these issues that we brought up. But thank you.

EUNICE ALEJANDRA PÉREZ COELLO Thank you. And just to complement, what Judith was saying, and this is Eunice for the records, and I am speaking in Spanish. The SOIs, as you are seeing on the screen, the idea is that the code of conduct may include clear directions and what should be stated. That is a need that was already recognized in the document explaining the updates of the code of conduct in the community. And it is important to better improve the examples and to state the different aspects to be stated. And the code needs to promote these standardized mechanisms for support. And this has to be a reminder. I mean, the fact of updating the SOIS needs to be reminded, but we don't have to depend on internal practices only. And the session examples and debates should include these examples. So as to be able to provide support to people and to be able to provide the SOIs.

And finally, we would like to highlight that the ICANN document, as well as the Ombudsman framework, set forth equality and impartiality principles and fair participation. So, this means that any instrument of participation, as it is the case of this code, should take into account the real conditions of the different groups of the community. Thank you so much.

JUDITH HELLERSTEIN Do we have any questions? Okay, sorry about that. Thanks.

MANJU CHEN

Thank you. So just a quick reaction. I think we definitely will agree on the standardization of the process where, as you said, in the GNSO we always, in the beginning of any calls or meetings, we ask for an update of SOI. I think that's definitely something we would like for every session in ICANN. That's definitely something we will agree to and support.

But on the form itself, like how you disclose your SOI, well, because this actually hasn't been thoroughly discussed within the NCSG, but I feel like it's my personal view, I feel like we will benefit from some flexibility to customize the SOI per different processes. Because in ICANN there are a lot of different processes, different policy, either it's policy work, sometimes it's review, sometimes it's cross-community working group, sometimes it's some study working party different names for different things. And there are four different purposes, and people participated in it on behalf of different organizations or by appointed by different parties.

So I feel like a flexibility of customizing that disclosive interest per processes will be a benefit. But that's my personal take. We haven't really discussed this within the NCSG. We definitely agree with the training too, because I think NCSG and At-Large is very similar in the sense that we are not as paid and professional as when we're participating in ICANN processes. We don't have a lot of guidance to fill in forms and whatsoever. That we'll definitely agree. But one point has been raised in your comment about how it's excluding members who are doing this in a voluntary basis.

I think that's exactly the reason why SOI is needed, because we are in a voluntary basis. We have, in a sense contrary to those who are hired, got paid to do this. We have nothing to disclose. We don't have a money interest in this. That's why it's not in the examples, because it's relatively much easier for us who are doing this in a voluntary basis, who are not paid for, to just say, oh, I have nothing to declare because I'm on this for myself. I'm in this for myself, representing my own interests as an end user, as a registrant of a domain name.

So I would actually think it's a good thing for us that they're listing examples for those who get paid for doing this, and they should disclose who pays them. Whereas for us, we're not paid to do this. We do this in a voluntary basis. That's why it's relatively much easier for us. Thank you.

JUDITH HELLERSTEIN

This is Judith Hellerstein for the record. One comment on that is that the problem that leads is that sometimes we may have a contract later on, people may have a contract or a consultant later on, and then we would disclose it, but we may be excluded from doing that because they said, oh, well, you helped out on this earlier process about 15 years ago, and you didn't put that down there, and or you were sponsored to come to ICANN, and so you put in some money. We gave you money, so you can't complain. You can't go to part on some of these other consultant projects.

And we saw that this guidance needs to be set early on. What is it that we have to disclose? Because if we don't know that later on, we'll have to just say, well, you were excluded because you didn't disclose it. We didn't know, like you said, we didn't know you had to disclose it because it wasn't clear in the examples that were given. So I just wanted to make that clarity. Thank you.

KATHY KLEIMAN

Hi, Kathy Kleiman, and I'm sitting in Cheryl's chair at her invitation. So just want to let , and she will get it back when she comes back. So Judith, I have to tell you, I don't understand. So enforcement is an issue, but right now, as Manju said, we have a lot of people at our tables when we're negotiating policy and implementation that are not telling us who they're working for. And if they're not working for them, if they're not being paid for every minute that they're here, then they may still be working for people whose interests they have in mind when they're negotiating those policies.

What we think the statement of interest is for is to reveal more tightly who they're thinking about when they're negotiating their policies. I can see why you'd be worried that 20 years from now, are we really going to be here 20 years from now? I just want to say, there are some people who will be, and we wish you luck, but I won't.

JONATHAN ZUCK

[inaudible 00:44:34] 20 years ago.

KATHY KLEIMAN

Exactly. But I don't think anybody's going to try to hold us responsible, Jonathan, for what we didn't do 20 years ago, because there were no statements of interest then. And so really, it's not, I'm not concerned about procedural. And if we go around and ask everybody at the beginning of a meeting, we may be wasting a lot of time in a meeting. But the idea that there's a form that says, that we can all look at, that says, one, who are you sitting here and who are you thinking about? Not just who are you here for, who's paying you or not paying you now, but when you go home, who are you talking to? Whose interests are you thinking about? This is so critically important, and it's so long overdue.

JUDITH HELLERSTEIN

This is Judith, and we agree with that. We just don't want to be caught later on in a trap where we didn't know. And I guess the perfect example I have is that those of us who were originally on the CPW auction proceeds, where we didn't have anything to disclose, but the fact that we were on there, they say, oh, now you're excluded permanently from ever working for someone. The idea was, yes, while you're working on this, you, at a certain time period, you're excluded. But not that forever you can ever work even as a voluntary consultant for someone. That is what happened in auction proceeds, when it wasn't clarity in what we're

going to be doing. And we're just afraid of the thing happening now. And that's all we put that in.

KATHY KLEIMAN

Okay. I just want to share, I don't even understand the exclusion concept. This is about a reveal concept.

SÉBASTIEN BACHOLLET

I'm going to speak in French. Hello, everyone. Thank you very much. Two things. I think that an SOI, a common SOI would be very useful because we could use it with describing what we do in one group and in another group, and there might be no link between those two groups, or we have to reinvent the hyperlink and do links between those two groups. And I think there is a process that is very clear in the GNSO Council regarding those issues of revealing those positions.

And I would hope that it should be the same when we choose presidents, chairs, co-chairs for working group, collective working groups in the community. I did some research, and I think that some chairs and co-chairs do not have statements of interest. And I'm quite surprised by that. They are chairs or co-chairs with no statements of interest. Nothing written is available on the ICANN website. Thank you.

RAFIK DAMMAK

Okay. Thanks, Jonathan. So we are moving to the next topic, we did some maybe kind of change here, so we'll go, being mindful about time, so we have maybe a short time left. So we'll go first with the Human Rights Impact Assessment, maybe for 10 minutes, and then we go back to the new gTLD program next round. We won't get to that. That's fine. Yeah. So we can start with, let's just do Human Rights Impact. That's fine. Okay. Farzana.

FARZANEH BADI

Hello, everybody. I'm Farzaneh Badi. I'm a member of NCSG, and I'm a NCSG counselor on the GNSO Council. With my colleague, Michaela, from Article 19, we have been working on continuing the Human Rights Impact Assessment work that NCSG has been leading for quite a while. And so I'm just going to tell you a little bit about the different issues and different projects that we have.

One is that we recently sent a letter to the GAC about their recent communique, and we did a Human Rights Impact Assessment on their communique. Another project that we have, we are working on DNS abuse mitigation and how certain methods can have an impact on human rights and how we can reduce the risk. We did a few sessions on that, and we are hopefully going to be working on guidelines for registrars on protecting human rights when they are mitigating abuse. And another session that we have this week is about the Human Rights Impact Assessment of when the registrar receives a request from law enforcement or other third parties to submit, to afford a domain name registrant private data.

Some of the issues that I want to just bring up briefly, and then we can go to my colleague, Michaela, that we also raised in the letter that we sent to GAC, is that registration data access and disclosure, if the balancing of fundamental rights with the disclosure is not done, it has an impact on human, it can risk human rights. It can risk freedom of expression, it can risk privacy. One of the issues that we also considered is also, for example, when we talk about accuracy in our discussions, there have been some suggestions that lead to identification or a requirement for identifying the domain name registrant when they are registering a domain name.

And that is, for us, is a red line. We don't believe that this goes against the principle of anonymity, as well as privacy, and it will hamper freedom of speech. We work with human rights activists and advocates that treasure that anonymity to keep themselves safe, but also do campaigns. And if the accuracy conversation goes towards, like, more verifying the identity of the domain name registrant, we are going to, so the impact on human rights is very high, and we are going to be against it.

And so, another thing is about authentication of law enforcement, the authentication of law enforcement for disclosing the private and sensitive data of domain name registrant. Authentication on its own should not be the reason that, so the law enforcement just gets authenticated and then registrar just automatically discloses the data. It should not happen like that. The registrar has to work

on balancing the fundamental rights with the request, and then decides on that.

So these are, like, different issues. I invite you to read our Human Rights Impact Assessment. It is not a multi-stakeholder impact assessment. It is solely NCSG's document, and later on, if you are interested in getting involved, we can, of course, involve you. And I also invite, this Human Rights Impact is not just on the registrant. It's also on the end-user, end-user freedom of expression, end-user access to websites and information. So I invite ALAC in their contribution and intervention to consider these human rights that can be hampered when we are mitigating DNS abuse. And now I go to--

MICHAELA SHAPIRO

Yes, hi. Michaela for the record. I hope you can hear me okay. No. Thank you, Farzana. That was a very helpful overview of the different discussions we've been having. And what I would like to point out is we do have a couple of sessions that might be of interest to those in the room. We'd love to have At-Large participating in the session we have tomorrow afternoon.

So I know it's the last session of the day, but we'll be doing some interactive activities and trying to get people excited about the different perspectives when it comes to addressing this very tricky topic around requests for registrant data, because we ultimately land on the vast majority of incidents where this is a concern. It's not usually with malicious intent, but more often than not, it's a

lack of understanding of the kind of mechanisms that should be in place. And people do want to implement these best practices. And so we're there to kind of have the perspective from the public safety working group who will be present in our panel, as well as the registrars and registry stakeholder groups who will also be giving their views. So we highly welcome At-Large, and we'd love to have your views on that topic as well.

And I'll just add as well that this is kind of a new iteration of old work, so doing human rights impact assessments is something that Article 19, when it comes to infrastructure providers, and particularly the DNS, is not new work. I highly encourage you, and I'm happy to share a piece of work that the Cross-Community Working Party on Human Rights developed. It's a simple human rights impact assessment that can be applied to registries and registrars, and we're helping to make that as actionable and enforceable as possible, and we want this to be something that is actually useful in practice, and that takes community input to be able to make that happen. So thank you, and happy to take any questions if we have time, or otherwise.

KATHY KLEIMAN

I just wanted to, Michaela and Farsi run a really amazing session on the Human Rights Impact Assessment, so if you can come, your voices would be great. I wound up in a small group. We mix in a small group with the U.S. FBI, and would never have had that

opportunity otherwise. So come. These are really unusual, special sessions.

JONATHAN ZUCK

I try not to be in the same room as the FBI, but that's a separate issue. No, I guess the question I have, and it may not have a good concrete interest, the Board went through an exercise that I think Avri led when she was on the Board, of trying to come up with a framework for global public interest, for example, which was like a toolkit for doing the kind of balancing test, in a way, that you're talking about. And I'm wondering if part and parcel of this would be developing something similar for the contracted parties.

Because I think part of the difficulty is that we've learned from the Contracted Party house is that every request is the equivalent of removing the profit from that particular domain. Their margins are so thin that you make the phone call, please send the data, and they have to go figure out the data, that the minute that they do that, they're losing money, and that's what we hear. So there's an innate desire not to share the information, to quickly find a way to say no.

And so I would want that human rights assessment to be sort of rigorous and legitimate as opposed to an excuse not to share data for legitimate purposes, to deal with malicious activities. That's where we are. We're trying to get to how to mitigate the malicious activities that are rampant and growing, right? And so the question

is, how do we do both in a way, given that there's a financial problem in the middle of this with the owners of the information?

FARZANEH BADI

Thank you, Jonathan. So actually, thank you for reminding me. I wanted to actually tell you a little bit about what the GNSO Council is doing for the Human Rights Impact Assessment. So a long time ago, the Human Rights Checklist was approved by the community, and the GNSO Council also approved it. So for each PDP from now on, we are going to have a Human Rights Checklist that the PDP members will go through.

But that process is a very iterative process. We are helping them, and CSG is helping them to, helping the staff and also the Council to come up with a process to do the Human Rights Impact Assessment. But a lot of that work has been done, and there is a framework already in place. And I encourage you to also read our Transfer Review Policy Human Rights Impact Assessment that we have done. We asked the Council to retroactively do that. It's not like a part of the issue report yet, but we thought that that was a good exercise.

I think that when we discuss the disclosure of domain name registrants' data, sometimes it can be for legitimate reasons. But we can't also push the registrars to make hasty decisions and have an impact on fundamental rights. Because sometimes, and we are talking, and also like as, let me tell you, in NCSG, we have digital rights activists and people who work in the interest of activists on

the interest. So phishing, for example, state actors sometimes want to use phishing to get these human rights activists' information.

So we are not saying that DNS abuse mitigation is not an issue. We are saying it is an issue, but we cannot solve the problem by hampering people's access and also hampering people's, and putting people's human rights at risk. And it's not just the domain name registrant. It's also the end user, the people that want to have access to these websites and have access to knowledge.

JONATHAN ZUCK

I guess, I know one of the things that the contracted Party House is doing is a kind of, with a panel with these cards, almost like a role play exercise of, if this happens, what do you think should be the outcome kind of exercise? I haven't done it yet, so I don't completely understand it. But I would love something similar to that that says, okay, I've got a request for information. It's from law enforcement. So there is this idea, and I completely get this, I understand too, that there's law enforcement across the world, varies significantly, the types of requests.

So what burden are we putting on those folks to answer a request that does honestly, given the amount of money and the amount of damage that's done in a fairly short period of time, does need to happen in some kind of a-- it can't be a multi-week contemplative thing. I would love to know, from a practical standpoint, is it just a checklist, is it about, what would that look like? Is it how much

money is at stake versus the rights exposure? What is the balance, fundamental balance we're asking them to do, and what would that look like? It would almost be fun if there was some way to do a role play of it or something to really get a sense of what making that balance in their case would look like. I guess that's what I'm--

MICHAELA SHAPIRO

Sorry, just wanted to make sure it's okay, the mic. Michaela again. No, I'm in complete agreement, Jonathan. I think we're very aligned and you're very prescient because our session tomorrow has a role playing exercise. So if you do come, we'll have scenarios that I have cut out and we have different characters that you can play to play out what are the different considerations you can have. So we really do want to make this as interactive as possible. So highly encourage you, if you're still here, please do come.

But I did also want to respond to your point, because yes, I completely agree there are financial ramifications. We also would argue there are life and death situations when it comes to DNS abuse. So that should actually be addressed. What we are asking for is that this is done with transparency and accountability measures. In terms of what that actually looks like, that's what we'd love to resolve together. So that's what tomorrow's session will be. But what I will say is, and this is with my kind of Article 19 hat on, but in the same way that there are freedom of expression is a complicated topic. And we don't necessarily advocate for all types of content to be available everywhere. There are limitations,

but they have to meet a very specific criterion. And there has to be a very specific threshold out there.

So we want this to be easy to implement. We want this to be understandable and actually useful for the people that are implementing this. So when I was kind of talking about this is not necessarily done in a malicious manner, I was thinking in terms of the registries and registrars. But I also understand that there are very legitimate back actors out there who we do have to address.

And we just want to ensure that there are, again, transparency and accountability measures, and that any response is proportionate to the harm that is being done. And what that actually looks like will vary by situation. So we are saying there isn't one blanket response. But if we can provide some kind of framework or set of best practices, guidelines, call it what you want, that can help us in different scenarios, that's kind of what we're looking for.

So again, encouraging you to come to tomorrow's session. And I'll actually be speaking on the session that you mentioned where they go through the different cases of DDS abuse. I'll be on that session at 1045. So catch me there on the second floor.

JONATHAN ZUCK

So yes, Michaela's groupies, make sure. And do we have anything else we want to, any other questions? I know I asked a couple. But oh, yeah, go ahead. Thank you.

LUTZ DONNERHACKE

Lutz Donnerhacke. The question is, what can we do? What can be input, especially on law enforcement? We have to understand that there's a gross misunderstanding and the expectation of law enforcement. And information that could be provided by registrars is only for the domain issues. The main problem, if you are talking about real crime, is that we can't trust registrar, simply because registrar is part of the organized crime. And that's why all the efforts are spent in making an accurate domain data and collect data from the records front is futile. It will not work.

We have to understand this. And we have to explain this again and again that we are not here in order to provide an infrastructure so that somebody can magically ask for who was the responsible person for the crime. I want to arrest him. That's magical thinking. It will not work. What we can do is we can look at which registrars are behaving in a strange way. It's already under the way. And the other thing we can do is we can stop collecting data from all over the world and put it in one place. It will not work. We have different law systems in the world. We have different rules. And we cannot expect that the rules which govern a lawful agency in some country will respect the laws in a different country if it has the possibility to go to a central place and say, give me all the data.

So we have to stop this. We have to build a decentralized system for storing registration data. For example, if you want to see how it works, it works in decades for the IANA. IANA has the newest server

and only respond if you want to know. We know who was responsible for registering the following object. We have a contract with them. This contract, it will go there and ask there. And if you go to a different legal region, then you have to fulfill the rules there. And that's why we can go down to the local law and fulfill this and keep rid of all the things we have brought to our table which are of any need. Thanks.

JONATHAN ZUCK

Thanks so much. This is a really important discussion. And so we will endeavor to be at the sessions that are coming up. So thank you so much, Farzi and Michaela, for continuing to bring this to our attention. It's all a question of the vector through which we're trying to approach the same problem. I think we all want the same outcome, actually. And it's just a question of how to marry the two. We are really running out of time. And so my inclination on the new gTLD applicant support program is to bypass my own intervention, give Kathy a couple of minutes that we have left to talk a little. Oh? Pedro. I'm sorry. I had your name up there, but maybe I didn't read far enough.

PEDRO DE PERDIGÃO LANA

But it'll be very brief. It's just that we actually already had an update on the views of the ALAC during the GAC joint session. So I think we can cover that. But considering the alignment of principles of what we consider important on this whole process of

the applicant support program, we also would like to share a few concerns of our own.

JONATHAN ZUCK

So please do this, Kathy. We'll give the remaining time to you in whatever form you'd like to take it.

KATHY KLEIMAN

Terrific. So Kathy Kleiman and playing musical chairs, which is a good way. This is fun. So we urge you in joining us. You've had amazing members of the subsequent procedures implementation review team. There are 400 pages out now. 200 are main substance. About 200 are indices. You've probably already talked with your implementation review team people.

We're asking everyone to read it. Is it accessible? If we don't understand it, not just the people who help write it, but everybody, if you don't understand it, then no one else in the rest of the world will, the newcomers. We collectively, ALAC and NCSG, kind of represent the rest of the world that may be coming and thinking about applying for a new gTLD. We fought for applicant support together. If people can't understand the rules, if they can't understand the questions, they won't be able to do their applications. So accessibility and readability.

And the other point that I'll raise very briefly is I'm very concerned about the community priority evaluation. In implementation review, we don't normally rewrite things completely. And if you

want to see the red line of what's happened in the last few months, last few weeks, we'll show it to you. It's been rewritten, and I believe the policy's been changed.

And I believe we're going to see a massive misappropriation of well-known community names going forward. It doesn't happen. I don't normally raise a flag this late in the game, but I'm raising a flag. So if you're interested in CPE, please come help me analyze this. And please come help us, because ALAC and NCSG have really made big strides together in the new gTLD program. And again, my hat's off to your leaders who have done an amazing job, Justine and Cheryl. Thanks, Jonathan. Pedro, anything you want to add?

PEDRO DE PERDIGÃO LANA

Nothing else. I think the interest of time, that's at the most important points.

RAFIK DAMMAK

Okay, hopefully. Yeah, I think it was quite successful session. And just seeing that there are some topics that maybe needs further discussion and follow-up. And I think you cannot necessarily wait till Oman meeting if we can have some intersessional call, if there is interest, to continue discussion maybe on a few topics, so we can go more further and to see whether we have alignment or not. So this is kind of table this, and we can follow up on this. And that corresponds to the next steps agenda item here. Call me maybe, yeah.

JONATHAN ZUCK

Thanks, everyone, so much. We really enjoy these meetings, and I'm glad we've started doing this again. Let's keep it up, and let's keep going intersessionally. That comes up again and again with the groups with which we're well aligned. The SSAC, we talked to about this as well. So please, let's do it. Let's get organized and keep the pressure on the rest of the community to get things done right. Thanks all, and enjoy your break.

[END OF TRANSCRIPTION]